

REMARKS

Claims 1 through 16 remain in the application.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §

121:

Group I -- Claims 1 through 8, drawn to the invention of a console bin, classified in class 296, subclass 37.8.

Group II - Claims 9 through 16, drawn to the invention of a console bin, classified in class 296, subclass 37.7.

The Examiner has found that the inventions are distinct, each from the other, because the inventions of Groups I and II are related as combination and subcombination. The Examiner has also found that the inventions are distinct because: 1) the combination of Group II as claimed does not require the particulars of the subcombination of Group I as claimed for patentability; and 2) the subcombination of Group I has utility by itself or in other combinations. In particular, the Examiner finds that the combination of Group II as claimed does not require the particulars of a backplate of the subcombination of Group I, and that the subcombination of Group I has a utility in other combinations, such as a visor mount.

Applicant respectfully traverses this restriction requirement.

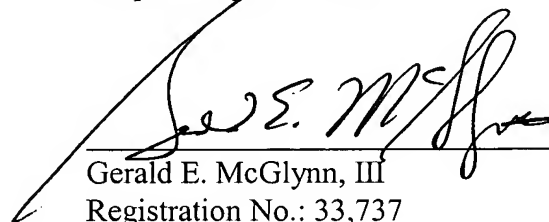
“To support a requirement for restriction...reasons for insisting on restriction are necessary, i.e., separate classification, status, or field of search.” MPEP 806.05(c). The Examiner asserts that Group I is classified in Class 296, which covers “Vehicles: Bodies and Tops,” and in Subclass 37.8, which covers such devices that are “Accessible from within passenger compartment.” The Examiner also asserts that Group II is classified in Class 296, Subclass 37.7 which covers such devices that are “At or on roof or rooflike panel.” Applicant respectfully submits that there is no limitation in the

claims of Group II requiring that those claims be classified in a Subclass different than that of the claims of Group I. Also, the Examiner has presented no reasoning in support of the classification of the claims of Group I different from the classification of the claims of Group II. Furthermore, it is respectfully submitted that the claims of both Groups I and II as disclosed and claimed in the present application may be properly classified in a single Class 296, Subclass 37.8. Thus, applicant respectfully submit that claims 1 - 16 may be properly examined in one application and therefore request reconsideration of the requirement for restriction in this case.

Nevertheless, in reply to the Examiner's requirement, applicant *provisionally* elects to prosecute the invention of Group I, claims 1 through 8, drawn to the invention of a console bin.

Finally, it is respectfully submitted that the claims clearly distinguish over the prior art, and are therefore allowable, which allowance is respectfully solicited.

Respectfully submitted,



Gerald E. McGlynn, III
Registration No.: 33,737
Bliss McGlynn, P.C.
2075 West Big Beaver Road, Suite 600
Troy, Michigan 48084-3443
Phone: 248-649-6090
Fax: 248-649-6299
Email: gemcglynn@ipdirection.com

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